

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9207 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

ANIL STARCH PRODUCTS LTD.

Versus

BHAGWANSINH LALLUSINH

Appearance:

MR DEEPAK V PATEL AND MR.D.G.CHAUHAN for Petitioner
MR PC MASTER for Respondent Workman.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 24/06/96

ORAL JUDGEMENT

Rule. Mr.P.C.Master waives service of the Rule.
On the request of both the sides the matter is taken up for final hearing right today.

This Special Civil Application is directed against the award dated 18.4.1995 passed in Reference (LCA) 591 of 1990 by the Labour Court, Ahmedabad whereby

the relief of reinstatement with full backwages was granted in favour of the respondent workman.

The respondent workman was serving with the petitioner company for a period of over six years. On 9.8.1982 he was placed under suspension. He was subjected to an inquiry on the charges contained in the document dated 9.8.1982. After inquiry he was removed from service on 6.10.1982. The respondent workman raised the industrial dispute and the reference was made on 23.2.1983. The Labour Court passed an order on 30.3.1993 holding that the inquiry held against the respondent workman was unlawful and later on the impugned award dated 18.4.1995 has been passed. When this matter came up before the Court on 16.2.1996 Mr.P.C.Master entered the caveat on behalf of the respondent workman. On 16.4.1996 it was given out before the court by both the sides that the matter was likely to be settled. Today when the matter came up before the court it is pointed out that the parties have agreed to settle the claim for Rs.1,60,000/- as was done in the other case i.e. Special Civil Application No. 9206 of 1995. On behalf of the respondent Mr.P.C.Master under instructions from the respondent workman who is present in the court has stated that he is prepared to settle all the dues and the entire claim including the claim under the impugned award except the amount of provident fund for a sum of Rs.1,60,000/as has been suggested by Mr.Patel and Mr.Chauhan for the petitioner.

Accordingly this Special Civil Application is partly allowed and with the consent of both the sides the impugned award is modified in terms of the agreement by both the sides that the entire dues of the respondent workman including the reinstatement and other claims under the award except the provident fund shall stand satisfied in case the petitioner pays sum of Rs.1,60,000/- to the respondent workman within a period of one month through account payee cheque in the name of the respondent workman to be handed over to Mr.P.C.Master, learned counsel for the respondent.

Rule is made absolute in the terms as aforesaid.
No order as to costs.
